

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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IN RE GENERAL ELECTRIC COMPANY  
ERISA LITIGATION

No. 06-CV-315  
(GLS/DRH)  
(Lead Case)

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**NOTICE OF THIRD MOTION OF CERTAIN INDIVIDUAL DEFENDANTS AND  
GE ASSET MANAGEMENT INCORPORATED  
TO DISMISS FOR FAILURE TO STATE A CLAIM**

MOTION BY: (1) The following referred to in the Complaint as “**GEAM Defendants**”: GE Asset Management Incorporated, Christopher D. Brown, David B. Carlson, Alfredo Chang, Paul Colonna, Michael J. Cosgrove, M.J. Gorman, Eric H. Gould, William M. Healey, Robert Herlihy, Brian Hopkinson, Jeanne M. LaPorta, Ralph R. Layman, Alan M. Lewis, Robert A. MacDougall, John H. Myers, Jonathan L. Passmore, Ronald R. Pressman, Judith A. Studer, Donald W. Torey, John J. Walker, Diane M. Wehner, and GE Asset Management Incorporated.

(2) The following referred to in the Complaint as “**Fund Trustee Defendants**”: Alan M. Lewis, William J. Lucas, Robert. A. MacDougall, Edward H. Malone, John H. Myers, Ronald R. Pressman, and John J. Walker.

(3) The following referred to in the Complaint as “**GE Management Defendants**”: Philip Ameen, Lawrence Caruso, Jeffrey Immelt, Ralph Layman, Keith Sherin, John Welch, and Robert Wright.<sup>1</sup>

(4) The following referred to in the Complaint as **GE Board Defendants**: James I. Cash, Jr., William Castell, Paolo Fresco, Ann Fudge, Claudio Gonzalez, Jeffrey Immelt, Andrea Jung, Alan Lafley, Robert Lane, Kenneth Langone, Ralph Larsen, Rochelle Lazarus, Scott McNealy, Gertrude Michelson, Sam Nunn, Roger Penske, Frank Rhodes, Gary Rogers, Andrew Sigler, Robert Swieringa, Douglas Warner, John Welch, and Robert Wright.<sup>2</sup>

For the Court’s convenience, the 49 Individual Moving Defendants are

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<sup>1</sup> In the Memorandum In Support that accompanies this Motion, these Defendants are referred to as “Officer Defendants.”

<sup>2</sup> In the Memorandum in Support that accompanies this Motion, these Defendants are referred to as “Director Defendants.”

listed in alphabetical order below.

DATE, TIME, AND PLACE:	Date and Time: <b>To Be Determined</b> <sup>3</sup> 509 James T. Foley United States Courthouse 445 Broadway Albany, NY 12207-2936
SUPPORTING PAPERS:	Declaration of William J. Dreyer and Exhibits thereto Memorandum of Law
RELIEF SOUGHT:	Dismissal of the Moving Defendants for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6)

**Alphabetical List of the 49 Individual Moving Defendants:**

Ameen, Philip D.; Brown, Christopher D.; Carlson, David B.; Caruso, Lawrence S.; Cash, James I., Jr.; Castell, William M.; Chang, Alfredo; Colonna, Paul; Cosgrove, Michael J.; Fresco, Paolo; Fudge, Ann M.; Gonzalez, Claudio X.; Gorman, M. J.; Gould, Eric, H.; Healey, William M.; Herlihy, Robert; Hopkinson, Brian; Immelt, Jeffrey R.; Jung, Andrea; Lafley, Alan G.; Lane, Robert W.; Langone, Kenneth G.; LaPorta, Jeanne M.; Larsen, Ralph S.; Layman, Ralph R.; Lazarus, Rochelle B.; Lewis, Alan M.; Lucas, William J.; MacDougall, Robert A.; Malone, Edward H.; McNealy, Scott G.; Michelson, Gertrude G.; Myers, John H.; Nunn, Sam; Passmore, Jonathan L.; Penske, Roger S.; Pressman, Ronald R.; Rhodes, Frank H. T.; Rogers, Gary, L.; Sherin, Keith S.; Sigler, Andrew C.; Studer, Judith A.; Swieringa, Robert J.; Torey, Donald W.; Walker, John J.; Warner, Douglas A.; Wehner, Diane M.; Welch, John F.; and Wright, Robert C.

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<sup>3</sup> By its Order of August 3, 2006, the Court extended, until January 15, 2007, the time for Defendants to answer or otherwise move with respect to the consolidated and amended complaint. Because that date was a federal holiday, Defendants are filing this motion and two other motions to dismiss on the next business day, January 16, 2007. In its August 3, 2006 Order, the Court also extended the time for Plaintiffs to respond to any such motions until ninety (90) days after filing, which would make such oppositions due on April 16, 2007, but did not set a time for Defendants to reply thereto. Plaintiffs have consented to Defendants' having ninety (90) days to file their reply memoranda. After Plaintiffs have filed their oppositions, Defendants will move the Court to set a date for the filing of Defendants' reply memoranda, and, in light of that date, will set a return date for this motion and the two accompanying motions to dismiss.

DREYER BOAJIAN LLP

/s/

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Dated: January 16, 2007

*Attorneys for Moving Defendants*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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IN RE GENERAL ELECTRIC COMPANY  
ERISA LITIGATION

No. 06-CV-315  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 16th day of January, 2007, I caused to be electronically filed the foregoing Notice of Motion and all supporting Papers referenced therein along with a Proposed Order with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

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Dated: January 16, 2007

/s/ JONATHAN M. LANDY